

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: 6/6/01

By: Deborah Brakenbury

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Kim, et al.

SERIAL NO.: Not Yet Assigned

FILED: Filed Herewith

FOR: **PROMOTERS FOR REGULATED
GENE EXPRESSION**

EXAMINER: Unknown

ART UNIT: Unknown

Declaration Under 37 CFR §1.821

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Linda R. Judge, declare and affirm as follows:

1. I am an agent for the applicant.
2. The floppy disc which accompanies this Declaration contains the required sequence listing.
3. The sequence listing recorded on said disc matches the hard copy of the sequence listing accompanying this Declaration.
4. The present submission contains no new matter relative to the application as originally filed.

Respectfully submitted,

Linda R. Judge
Linda R. Judge
Registration No. 42,702

Date: June 6, 2001

Correspondence Address:

Customer No. 22918

INVENTORSHIP DECLARATION BY JOINT INVENTORS

I HEREBY DECLARE THAT:

My residence, mailing address, and citizenship are stated next to my name in PART A on hereof.

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

PROMOTERS FOR REGULATED GENE EXPRESSION

the specification of which:

- ☒ is attached hereto.
- ☐ was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed in PART B hereof and have also identified in PART B on hereof any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

I hereby claim the benefit under Title 35, United States Code §119(e) and §120, of any United States application(s) listed in PART C hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date of the prior application and any national or PCT international filing date of this application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all telephone calls to Linda R. Judge at (650) 324-0880. Address all correspondence to:

**Iota Pi Law Group
P.O. Box 60850
Palo Alto, CA 94306-0850
Customer No. 22918**

INVENTORSHIP DECLARATION BY JOINT INVENTORS

PART A: INVENTOR INFORMATION AND SIGNATURE

Full name of FIRST inventor: Jungsuh P. Kim

Citizenship: U.S.A. Mailing Address: 1844 Guinda Street
Palo Alto, CA 94303

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of SECOND inventor: Douglas B. Starr

Citizenship: U.S.A. Mailing Address: 1197 Bonita Avenue
Mountain View, CA 94040

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of THIRD inventor: Albert W. Tam

Citizenship: U.S.A. Mailing Address: 1871 10th Avenue
San Francisco, CA 94122

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of FOURTH inventor: Megan E. Laurance

Citizenship: U.S.A. Mailing Address: 1020 Shotwell Street
San Francisco, CA 94110

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of FIFTH inventor: Emil F. Michelotti

Citizenship: U.S.A. Mailing Address: 1181 Marlin Avenue
Foster City, CA 94404

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of SIXTH inventor: Mark D. Velligan

Citizenship: U.S.A. Mailing Address: P. O. Box 370532
Montara, CA 94037

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of SEVENTH inventor: Derek R. Latour

Citizenship: U.S.A. Mailing Address: 1945 East Avenue
Hayward, CA 94541

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of EIGHTH inventor: Rita L. Thomas

Citizenship: U.S.A.

Mailing Address: 1050 High Road
Woodside, CA 94062

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of NINTH inventor: Ana Kongpachith

Citizenship: Portugal

Mailing Address: 4469 Alvarado Blvd.
Union City, CA 94587

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of TENTH inventor: Liana T. Sheppard

Citizenship: U.S.A.

Mailing Address: 34 Cadiz Circle
Redwood City, CA 94065

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of ELEVENTH inventor: Moon Young Kim

Citizenship: U.S.A.

Mailing Address: 10 Lido Circle
Redwood City, CA 94065

Residence (if different):

Inventor's Signature: _____ Date: _____

Full name of TWELFTH inventor: Thomas W. Bruice

Citizenship: U.S.A.

Mailing Address: 6880 Shearwaters Drive
Carlsbad, CA 92009

Residence (if different):

Inventor's Signature: _____ Date: _____

INVENTORSHIP DECLARATION BY JOINT INVENTORS

PART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. 119(a-d)

Country	App. No.	Filing Date
---------	----------	-------------

PART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL APPLICATION(S) UNDER 35 U.S.C. 119(e) AND 120

Serial No.	Filing Date		Status
<u>60/209,549</u>	<u>06 June 2000</u>	<input type="checkbox"/>	Patented
		<input checked="" type="checkbox"/>	Pending
		<input type="checkbox"/>	Abandoned